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DATE FILED: *9/7/08*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Teachers4Action et al,

Plaintiffs : Civil Action #  
08-cv-548 (VM)(AJP)

v.

Bloomberg et al,

Defendants. :

**MEMO ENDORSED** -p4

X

**SUPPLEMENTAL NOTICE OF LIMITED VOLUNTARY DISMISSAL OF  
CERTAIN CAUSES OF ACTION OF JUNE 2, 2008 SECOND AMENDED  
COMPLAINT PURSUANT TO FRCP 41 (a) (1) (A) (i)**

In accordance with the previously described submissions, the below listed Plaintiffs<sup>1</sup> hereby voluntarily dismiss the below listed Causes of Action from the June 2, 2008 Second Amended Complaint in accordance with the terms of FRCP 41 (a)(1)(A)(i), and without prejudice, as against the listed Defendants, none of whom/which have filed answers and/or Motions for Summary Judgment.

<u>Named Plaintiff</u>	<u>Cause of Action Voluntarily Dismissed</u>	<u>Claims Dismissed vs. Which Defendants</u>
1. Adams, Twana	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
2. Batyрева, Ольга	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
3. Bell, Ming	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
4. Berkowitz, David	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
5. Berlyne, Jonathan	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
6. Budnick, Jill	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants

<sup>1</sup> Note: The FRCP 41 Limited Voluntary Dismissals as to certain causes of action are being filed for all named Plaintiffs in this case and represented by Edward D. Fagan. The only named Plaintiffs not included in the FRCP 41 Voluntary Dismissals are Florian Lewenstein and Michael Hollander for whom Fagan has either been relieved as counsel or who has moved to be relieved as counsel.

7. Burks, Roslyn	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
8. Caminiti, Anthony	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
9. Castro, Jaime <sup>2</sup>	7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
10. Chavez, Gloria	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
11. Cohen, Judith	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
12. Cullen, James J.	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
13. Daniels, Diane	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
14. Ebewo, Michael	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
15. Fofana, Boubakar <sup>3</sup>	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
16. Ganis, Louisa	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
17. Gisors, Roselyne	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
18. Gonzalez, Diana	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
19. Hart, Joann	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
20. Hayes, Lisa	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
21. Hazen, Wendy	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
22. Hinestroza, Arnulfo	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
23. Johnson, Eleanor	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
24. Johnson, Rina	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
25. Kowal, Rafal Robert	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
26. Levine, Jane	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants

<sup>2</sup> Note: Plaintiffs Jaime Castro and Michael McLoughlin are the only Plaintiffs with Constructive Discharge Causes of Action (The 4<sup>th</sup> Count of the Amended Complaint).

<sup>3</sup> Plaintiff Boubakar Fofana's 1<sup>st</sup> Amendment claim also relates to allegations of retaliation and interference with his freedom of speech as expressed through publications on his website [www.teacherabuse.com](http://www.teacherabuse.com).

27. Martincz, Hazel	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
28. McLoughlin, Michael <sup>4</sup>	7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
29. Nunge, Raymond	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
30. Polito, Julianne	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
31. Radtke-Gabriel, Alena	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
32. Robinson, Thomasina	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
33. Russo, Denise	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
34. Saunders, Jennifer	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
35. Sawyer, Jacqueline	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
36. Scheiner, Brandi	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
37. Schlessinger, Alan	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
38. Schreiber, Alex	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
39. Segall, Barbara	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
40. Seiffert, Linda	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
41. Smith, Daniel	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
42. Tarasow, Helena	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
43. Teel, Gilda	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
44. Torres-Noguera, Eustoquio	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
45. Wade, Jacqueline	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
46. Watson, Nicholas	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
47. Westbay, Michael	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants
48. Zapata, Mauricio	4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 10 <sup>th</sup> & 12 <sup>th</sup>	All Defendants

<sup>4</sup> Note: Plaintiffs Michael McLoughlin and Jaime Castro are the only Plaintiffs with Constructive Discharge Causes of Action (The 4<sup>th</sup> Count of the Amended Complaint).

Each of the above referenced plaintiffs wish to pursue the "Core Causes of Action".

Dated: August 28, 2008  
New York, NY

*Edward D. Fagan*  
/s/ Edward D. Fagan (electronically signed)  
Edward D. Fagan, Esq.  
5 Penn Plaza, 23<sup>rd</sup> Floor  
New York, NY 10001  
Tel. (646) 378-2225  
Plaintiffs' Counsel

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing August 28, 2008 Supplemental Notice of Limited Voluntary Dismissal of Certain Plaintiffs & Certain Causes of Action

is being filed electronically with the Clerk of the Court.

Hard copies of the papers are being hand delivered to the Hon. Andrew J. Peck USMJ and to counsel of record Blanche Greenfield Esq. Office of Corporation Counsel 100 Church Street, 4<sup>th</sup> Floor, New York, NY and Charles Moerdler Esq. of Stroock Stroock & Lavan 180 Maiden Street, New York, NY

And a courtesy copy delivered electronically to Florian Lewenstein, Plaintiff Pro Se – via email at [florianjl@gmail.com](mailto:florianjl@gmail.com) and Michael Hollander at [michaelhollander@rcn.com](mailto:michaelhollander@rcn.com)

Dated: August 28, 2008  
New York, NY

*Edward D. Fagan*  
/s/ Edward D. Fagan (electronically signed)  
Edward D. Fagan, Esq.

#### **MEMO ENDORSED 9/3/08**

1. The dismissals set forth herein are approved
2. No fees - all future asbes -  
on the price plaintiffs (no Lewenstein -  
Hollander).

SO ORDERED:

*a.j.p.*  
Hon. Andrew Jay Peck

United States Magistrate, Judge

*copy to fil and  
CLERK of the court*

**BY FAX**

**FAX TRANSMITTAL SHEET**

**ANDREW J. PECK**  
**UNITED STATES MAGISTRATE JUDGE**  
**UNITED STATES DISTRICT COURT**

Southern District of New York  
 United States Courthouse  
 500 Pearl Street, Room 1370  
 New York, N.Y. 10007-1312

**Fax No.:** (212) 805-7933  
**Telephone No.:** (212) 805-0036

**Dated:** September 7, 2008

**Total Number of Pages:** 5

<b>TO</b>	<b>FAX NUMBER</b>
Edward D. Fagan, Esq.	646-304-6446 or 646-417-5558
Blanche Greenfield, Esq.	212-788-8877
Charles G. Moerdler, Esq.	212-806-2647
Dina Kolker, Esq.	212-806-2606
Alan M. Klinger, Esq.	212-806-7818

**TRANSCRIPTION:****MEMO ENDORSED 9/3/08**

1. The dismissals set forth herein are approved and So Ordered.
2. Mr. Fagan is to serve this – and all future Orders – on the pro se plaintiffs (inc. Lewenstein and Hollander).

**Copy to:** Judge Victor Marrero